

**STATEMENT OF  
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UNITED STATES ATTORNEY  
EASTERN DISTRICT OF VIRGINIA**

January 23, 2003

Good afternoon. I am Paul McNulty, United States Attorney for the Eastern District of Virginia. I am joined today by:

- Mr. Don Thompson, Special Agent in Charge of the FBI, Richmond Division; and
- Mr. Gerald Massengill, Superintendent of the Virginia State Police

This morning, a federal grand jury here in Richmond returned a 5-count Indictment against Mr. Edmund A. Matricardi, III, the former Executive Director of the Republican Party of Virginia. The Indictment alleges that Mr. Matricardi violated the Federal Wiretap Act, and charges him with 2 counts of unlawful interception of a wire communication, 2 counts of unlawful disclosure of intercepted wire communications, and 1 count of aiding and abetting the unlawful interception of a wire communication. Each count carries a maximum of 5 years in prison, \$250,000 in fines and 3 years of supervised release.

The Indictment sets forth a series of events that unfolded last March, beginning with the decision of Circuit Court Judge Richard Pattisall on March 11, 2002, in the widely followed General Assembly redistricting lawsuit. Judge Pattisall struck down the redistricting plan previously established by the General Assembly, and blocked all elections until a new redistricting plan was enacted by the General Assembly and signed by the Governor.

On Wednesday, March 20, 2002, according to the Indictment, the Executive Director of the Democratic Party of Virginia sent an announcement by e-mail and fax to "Democratic General Assembly Members" of an in-person Joint Democratic Caucus meeting to be held at 4:00 p.m., on Friday, March 22. The announcement stated that:

"[t]he meeting will specifically discuss our legal options, the timeline, and the procedure for drawing new maps. Our meeting will include a briefing by the Caucus attorneys. ***Due to the sensitive nature of the meeting, and attorney-client privilege, only General Assembly members should attend or participate.*** (Emphasis in original.)

By the afternoon of Thursday, March 21, the Executive Director of the Democratic Party and others had decided that there would be a "Joint Democratic Conference Call" using an interstate conference calling service in Texas rather than an in-person meeting. Therefore, at 4:32 p.m., on Thursday, the Executive Director sent out another announcement by e-mail and fax to "Democratic General Assembly Members." It listed the dial-in telephone number and the participation code, which allowed access to the conference call. The announcement also contained the following warning:

Due to the sensitive nature of the meeting, and attorney-client privilege, only General Assembly members should attend or participate. There will be a roll call taken at the beginning of the call. If you join after the conference has started, please state your name so we will know that you have joined. (Emphasis in

original.)

It also described the agenda as including "Legal Lay of the land. . .Political Lay of the land. . .[and] . . .Summary of the decisions/Where do we go from here?" The Executive Director sent out an identical "reminder" e-mail the next day, March 22, at 10:02 a.m.

One of the recipients of the e-mails regarding the in-person meeting and then the conference call to discuss the redistricting suit passed the telephone number and access code for the Democratic conference call to another person who then provided the number and code to Mr. Matricardi.

The Indictment alleges that on the afternoon of March 22, 2002, the defendant, Mr. Matricardi, using his telephone at RPV Headquarters in Richmond, and the telephone number and access code he received earlier in the day, called in to an interstate conference call of the Joint Democratic Caucus. Without disclosing that he was on the line, he secretly listened for approximately two and one-half hours and recorded the call on a tape recorder. By doing this, he knowingly, intentionally, and unlawfully intercepted a wire communication in violation of federal law.

The Indictment also alleges that on the next day, Saturday, Mr. Matricardi disclosed the contents of a wire communication, knowing that the information was obtained through an interception of a wire communication, and therefore in violation of federal law, to an official in the Office of the State Attorney General. This disclosure was then turned over to the Virginia State Police.

The Indictment further alleges that on Monday morning, March 25, 2002, Mr. Matricardi again disclosed the contents of a wire communication, in violation of federal law, to a Republican Legislator and his Chief of Staff.

Then, according to the Indictment, on the afternoon of March 25, Mr. Matricardi, again using his telephone at RPV Headquarters in Richmond, and in violation of federal law, used the access code and called in to an interstate conference call of the Democratic Party of Virginia, and, without disclosing he was on the line, secretly listened for approximately two hours.

Finally, the Indictment alleges that on March 25, 2002, Mr. Matricardi provided the access code for the Democratic conference call to the Chief of Staff for a Republican legislator, so that she could also secretly listen to the call. In so doing, he unlawfully aided and abetted the Chief of Staff to intentionally intercept a wire communication.

Federal law clearly prohibits the interception and disclosure of telephone conversations unless there is consent by a party to such conversation or when specifically authorized by a court order.

The Indictment alleges that Mr. Matricardi was aware the conversations he listened to were ones in which the parties had an expectation of privacy. The organizers of the calls announced that the conference calls were intended only for members of the General Assembly. Further, they scheduled a roll-call at the beginning of the conference calls and requested members who arrived to the conversations after they started to identify themselves. Mr. Matricardi did not announce his presence during the conference calls.

Today's charges against Mr. Matricardi follow the conviction yesterday of Ms. Claudia Tucker. She pled guilty yesterday in the U.S. District Court to a misdemeanor charge of unauthorized publication of a wire communication and was sentenced to 1 year probation and

fined \$1,000. This misdemeanor charge stems from Ms. Tucker's act of secretly listening for approximately 22 minutes to a conference call for Democrat Members of the General Assembly. On March 26, 2002, she reported the contents of the conference call to a Republican Legislator.

This case involves an important public interest. We are living in a tele-communications revolution. Americans are increasingly relying on the telephone in nearly every facet of life, from a cell phone call to a babysitter, to a conference call meeting involving dozens of people. At the core of this form of human interaction, is the need for security and integrity in these communications. Simply put, the public must have confidence that their conversations on the telephone are secure. That is why the enforcement of wiretap laws is an important responsibility of law enforcement.

Finally, I want to thank the FBI, under the leadership of Don Thompson, for its outstanding work in this case. I also want to thank Gerry Massengill and the Virginia State Police investigators who were our partners in this investigation. The Virginia State Police played a valuable role in gathering the facts in this investigation.